

Application No.: 09/552,252

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Docket No.: 416272002220

REMARKS

Reconsideration is respectfully requested. Claims 1-42 remain pending in the present application.

The Examiner has required restriction between Group I, claims 1-24, and Group II, claims 25-42. Applicants provisionally elect Group I, with traversal, and submit that the asserted bases for restriction are insufficient. Applicants thus respectfully request the restriction be reconsidered or withdrawn for the following reasons.

Applicants wish to express their tremendous surprise in receiving a restriction requirement in this case at this point in time. As the Examiner is well aware, this application has a very tortured file history with numerous office actions. The pending claims were searched, examined and rejected numerous times without ever being the subject of a restriction requirement.

The Examiner states that Group I and Group II are unrelated, therefore independent, having been "not disclosed as capable of use together and they have different modes of operation, different functions, or different effects".

Applicants respectfully submit that no serious burden exists in searching all of the claims of the present invention. With reference to MPEP 803, a restriction requirement may only be made if a serious burden on the Examiner exists. As evidenced by the office actions of March 11, 2002, November 18, 2002, August 12, 2003 and May 10, 2004 the claims of the current application have already been searched without presenting a serious burden to the Office or the Examiner.

For the reasons stated above, Applicants respectfully request the restriction requirement be withdrawn.

Applicants request examination of the elected subject matter on the merits.

In the unlikely event that the transmittal form is separated from this document and the Patent Office determines that an extension and/or other relief is required, Applicant petitions for any

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required relief including extensions of time and authorize the Commissioner to charge the cost of such petitions and/or other fees due in connection with the filing of this document to Deposit Account No. 03-1952 referencing 416272002220. However, the Commissioner is not authorized to charge the cost of the issue fee to the Deposit Account.

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Respectfully submitted,

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